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13 GIGANEWS, INC. and LIVEWIRE SERVICES, INC.

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16

17 GIGANEWS, INC., a Texas corporation;  
18 and LIVEWIRE SERVICES, INC., a  
Nevada corporation,

19 Plaintiffs,

20 v.

21 PERFECT 10, INC., a California  
22 corporation; NORMAN ZADA, an  
individual; and DOES 1-50, inclusive,

23 Defendants.  
24

Case No.: 2:17-cv-05075-AB (JPR)

**PLAINTIFFS' REQUEST FOR  
JUDICIAL NOTICE**

Date: December 14, 2018  
Time: 10:00 a.m.  
Dept: 7B  
Judge: Hon. André Birotte

Pursuant to Rule 201(b) and Rule 201(c)(2) of the Federal Rules of Evidence, Plaintiffs Giganews, Inc. and Livewire Services, Inc. (“Plaintiffs”) respectfully request that the Court take judicial notice of certain documents in the public record. Plaintiffs make this request in connection with their Opposition to Defendant Perfect 10, Inc. and Norman Zada’s Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment (Dkts. 67–78).

Federal Rule of Civil Procedure 201 allows courts to take judicial notice of “adjudicative facts” (e.g. court records, pleadings, etc.) and other facts not subject to reasonable dispute that are either “generally known” in the community, or “can be accurately and readily determined from sources whose accuracy cannot be reasonably questioned.” Fed. R. Civ. P. 201(a), (b). The Court may also take judicial notice of its own records in other cases. *See United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980). The orders and pleadings listed below were filed in the United States District Court for the Central District of California. The fact that the documents were filed, the dates they were filed, and the Court orders they contain (where applicable) are undisputable matters of public record.

True and correct copies of the documents for which Plaintiffs request judicial notice are attached.

**Exhibit 1:** *Perfect 10, Inc. v. Radvinsky et al.*, No. 2:13-cv-07279-SVW-E, Dkt. 1, Complaint (C.D. Cal. Oct. 2, 2013).

**Exhibit 2:** *Perfect 10, Inc. v. Radvinsky et al.*, No. 2:13-cv-07279-SVW-E, Dkt. 12, Answer (C.D. Cal. Nov. 22, 2013).

**Exhibit 3:** Docket sheet from *Perfect 10, Inc. v. Radvinsky et al.*, No. 2:13-cv-07279-SVW-E (C.D. Cal. Nov. 22, 2013), as of Nov. 5, 2018.

**Exhibit 4:** *Perfect 10, Inc. v. Ocom B.V. et al.*, No. 2:14-cv-00808-JFW-VBK, Dkt. 1, Complaint (C.D. Cal. Feb. 3, 2014).

**Exhibit 5:** *Perfect 10, Inc. v. Ocom B.V. et al.*, No. 2:14-cv-00808-JFW-VBK, Dkt. 35, Answer to First Amended Complaint (C.D. Cal. May 5, 2014).

**Exhibit 6:** The docket sheet from *Perfect 10, Inc. v. Ocom B.V. et al.*, No. 2:14-cv-00808-JFW-VBK (C.D. Cal. Feb. 3, 2014), as of Nov. 5, 2018.

**Exhibit 7:** *Perfect 10, Inc. v. OVH Groupe et al.*, No. 2:14-cv-05969-AB-SH, Dkt. 1, Complaint (C.D. Cal. July 30, 2014).

**Exhibit 8:** Docket sheet from *Perfect 10, Inc. v. OVH Groupe et al.*, No. 2:14-cv-05969-AB-SH (C.D. Cal. July 30, 2014), as of Nov. 5, 2018.

The following orders were filed in the related case *Perfect 10, Inc. v. Giganews, Inc.*, C.D. Cal. No. 2:11-cv-07098-ABC-SH:

**Exhibit 9:** March 8, 2013 Order granting in part and denying in part Giganews and Livewire's Motion to Dismiss, Dkt. 97.

**Exhibit 10:** July 10, 2013 Order granting in part and denying in part Giganews and Livewire's Motion to Dismiss, Dkt. 129.

**Exhibit 11:** January 29, 2014 Order denying Perfect 10's Motion for Summary Judgment, Dkt. 180.

**Exhibit 12:** March 17, 2014 Order granting Giganews' Motion to Compel Production of Documents, Dkt. 223.

**Exhibit 13:** April 24, 2014 Order granting in substantial part Giganews and Livewire's Motion to Compel Responses to Interrogatories and Production of Documents, Dkt. 254.

**Exhibit 14:** June 5, 2014 Order granting in substantial part Giganews and Livewire's Motion to Compel Compliance with Court Order (Dkt. 223), Responses to Interrogatories and Production of Documents, Dkt. 311.

**Exhibit 15:** June 23, 2014 Order granting in substantial part Giganews' Motion to Compel Responses to Interrogatories, Dkt. 326.

**Exhibit 16:** July 15, 2014 Order denying Perfect 10's Motion for Sanctions, Dkt. 343.

**Exhibit 17:** October 31, 2014 Order granting Giganews and Livewire's *Daubert* Motion to Exclude Expert Tygar, Dkt. 580.

1       **Exhibit 18:** October 31, 2014 Order granting Giganews and Livewire's  
2       *Daubert* Motion to Exclude Expert Waterman, Dkt. 581.

3       **Exhibit 19:** October 31, 2014 Order granting Giganews and Livewire's  
4       *Daubert* Motion to Exclude Expert Zada, Dkt. 582.

5       **Exhibit 20:** November 14, 2014 Order granting Giganews and Livewire's  
6       Motion for Partial Summary Judgment re Direct Copyright Infringement and  
7       Denying as Moot Plaintiff's Motion for Partial Summary Judgment, Dkt. 619.

8       **Exhibit 21:** November 14, 2014 Order granting Giganews' Motion for  
9       Partial Summary Judgment re Indirect Copyright Infringement and Denying as  
10      Moot Plaintiff's Motion for Partial Summary Judgment, Dkt. 620.

11      **Exhibit 22:** November 14, 2014 Order denying the parties' remaining  
12      Motions for Partial Summary Judgment as Moot, Dkt. 621.

13      **Exhibit 23:** December 1, 2014 Judgment in Favor of Giganews and  
14      Livewire, Dkt. 628.

15      **Exhibit 24:** February 5, 2015 Further Interim Findings re Giganews and  
16      Livewire's Motion for Sanctions, Dkt. 676.

17      **Exhibit 25:** March 24, 2015 Order granting Giganews and Livewire's  
18      Motion for Attorneys' Fees and Costs, Dkt. 684.

19      **Exhibit 26:** March 24, 2015 Amended Order granting Giganews and  
20      Livewire's Motion for Attorneys' Fees and Costs, Dkt. 686.

21      **Exhibit 27:** May 7, 2015 Order denying Giganews and Livewire's Motion  
22      for Review of the Magistrate Judge's Order Denying their Motion for Discovery  
23      Sanctions, Dkt. 712.

1 Dated: November 6, 2018

FENWICK & WEST LLP

2  
3 By: /s/Todd Gregorian

4 Todd R. Gregorian

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7 SERVICES, INC.  
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